



original

CASE NO. 1526

DATE OF HEARING 11/19/2025

Town of Aurora Zoning Board of Appeals
575 Oakwood Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

☒ AREA VARIANCE ☐ SPECIAL USE PERMIT ☐ USE VARIANCE ☐ INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Michael Anderson - Abstract Architecture PC

Address 313 Broadway

City Buffalo

State NY

ZIP 14204

Phone _____

Fax _____

Email MikeA@AbstractArch.com

Interest in _____

(owner/purchaser/developer) Architect

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) Allison & Daniel Giacomini

Address 372 Willardshire Road

City East Aurora

State NY

ZIP 14052

Phone _____

Fax _____

Email _____

III. PROPERTY INFORMATION

Property Address 372 Willardshire Road, East Aurora, NY 14052

SBL# 163.00-3-16

Property size in acres 2.81

Property Frontage in feet 125

Zoning District Rural Residential (RR)

Surrounding Zoning Agricultural (A)

Current Use of Property Single Family Residential

IV. REQUEST DETAIL

(check all that apply)

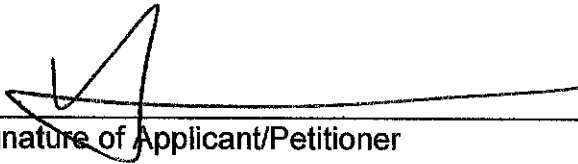
☒ Variance from Ordinance Section(s) # 116-8.4 C (2)

☐ Special Use Permit for: _____

☐ Use Variance for: _____

☐ Interpretation of _____

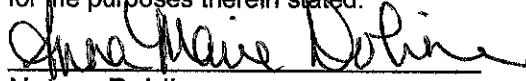
V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)


Signature of Applicant/Petitioner

Michael Anderson
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 4th day of Sept. in the year 2025 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.


Notary Public

(Notary stamp)

ANNA MARIA DOLINA
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01DO0025717
COMM. EXP. 05/31/2028

Office Use Only: Date received: 10/15/25 Receipt #: 713408

Application reviewed by: 

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals () has () has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

See attached.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

- 1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided Yes _____ No _____ (financial evidence is required per NYS Town Law)

- 2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

- 3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)



Area Variance Request:

Attachment A

Benefit to Applicant.

The requested variance if approved will allow for the construction of a new 1-1/2 story 2 car garage in the place of an existing single-story 2 car garage. The proposed auxiliary structure will have a finished loft which is intended to serve as a music space and playroom for the homeowner's young family. This design is appropriate in both scale and aesthetics to the existing single-family residence and the adjacent neighborhood. The new garage would also provide privacy for the existing back yard, which is heavily used by the family.

A. Undesirable Change to Character of Neighborhood.

This residence is located in a rural residential area, relatively removed from neighboring properties. The proposed garage would be aesthetically tied to the existing residence and appropriately scaled such that it fits its context and would be completely in character with the remainder of the neighborhood.

B. Can Benefits Be Achieved by Other Means.

The requested variance is the best means for the homeowner to accomplish their goals of both replacing the garage and providing a place where youthful activities can occur separate from the home. There is little desire to expand the footprint of the structure to accommodate the activity space on the first floor, not only due to the additional cost, but also the desire to maintain as much of the year as possible.

C. Is Variance Substantial.

We do not believe the requested variance is substantial, we are only requesting 4' additional over the maximum 15' max.

D. Adverse Impact on the Physical or Environmental Conditions.

We contend that there is no negative impact on the physical or environmental conditions of the neighborhood with the approval of the requested variance. All stormwater run-offs will be unchanged from the current condition and will still be contained on the site.

F. Not self-Created.

The desire for a garage with a functional space on the second floor is self-created, but it is the best use of the space and allows the property owner to maintain as much open yard space as possible.

Town of Aurora
575 Oakwood Avenue
East Aurora, NY 14052
www.townofaurora.com

**Zoning Board of Appeals
Application
Owner Authorization**

The undersigned, who is the owner of the premises know as:

372 Willardshire Road East Aurora, NY 14052 , identified as Tax Map (SBL)# 163.00-3-16
(address)

hereby authorizes Michael Anderson - Abstract Architecture PC to bring an application for ☒ area variance
() special use permit () use variance () interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential approval. The undersigned further permits the Town or its authorized
representative(s) access to the property to review existing site conditions during the review process.

Allison Giacomini
Owner (print)

10/6/25
Date

Allison Giacomini
Owner (signature)

DOROTHY BAILEY
Reg #01BA0023544
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 2028

STATE OF NEW YORK)
COUNTY OF ERIE) SS

On this 6 day of October, 2025, before me, the undersigned, a notary public in and for said state,
personally appeared Allison Giacomini, personally known to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument.

Dorothy Bailey
Notary Public

DOROTHY BAILEY
Reg #01BA0023544
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 2028

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: 639-ZR-25

Postmark/Delivery Date: 10/20/25

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 11/19/2025 **Time** 7:00pm **Location** 575 Oakwood Ave., E. Aurora, NY

3. Action is before: ☐ Legislative Body ☒ Board of Appeals ☐ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment
 ☐ Site Plan ☒ Variance ☒ Special Use Permit ☐ Other: _____

5. Location of Property: ☐ Entire Municipality ☒ Address: 372 Willardshire Rd., E. Aurora, NY

5a. S.B.L. of Property: 163.00-3-16

6. Referral required as site is within 500' of: ☒ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District
 ☐ Expressway ☒ County Road ☐ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: Height of accessory building (garage) and number of stories more than
(specify the action, such as the allowed by Town Code
scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Librock, Town Clerk **Email:** townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 10/20/25. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☒ No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: Collette McDaniel **Date:** 11/6/25

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

TOWN COUNCIL MEMBERS

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TOWN JUSTICE
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Anthony DiFilippo IV

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

October 15, 2025 - Updated

Allison & Danial Giacomini
372 Willardshire Road
East Aurora, NY 14052

Allison & Daniel:

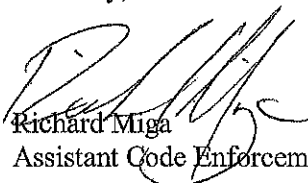
The Building Department has reviewed your request to construct an accessory structure (detached garage) at 327 Willardshire Rd. (SBL 163.00-3-16). The request has been denied because it fails to meet the requirement for an accessory building/structure mean height.

Sections 116-8.4C(2): Maximum mean height.
Required: For accessory buildings/structures: One story not to exceed 15 feet.
Requested: Second story
Variance: Second story

Sections 116-8.4C(2): Maximum mean height.
Required: For accessory buildings/structures: One story not to exceed 15 feet.
Requested: 19'
Variance: 4'

This letter serves as notice that we have received the application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of the next available hearing. If you have any questions, please contact our office at 652-7591.

Sincerely,


Richard Miga
Assistant Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

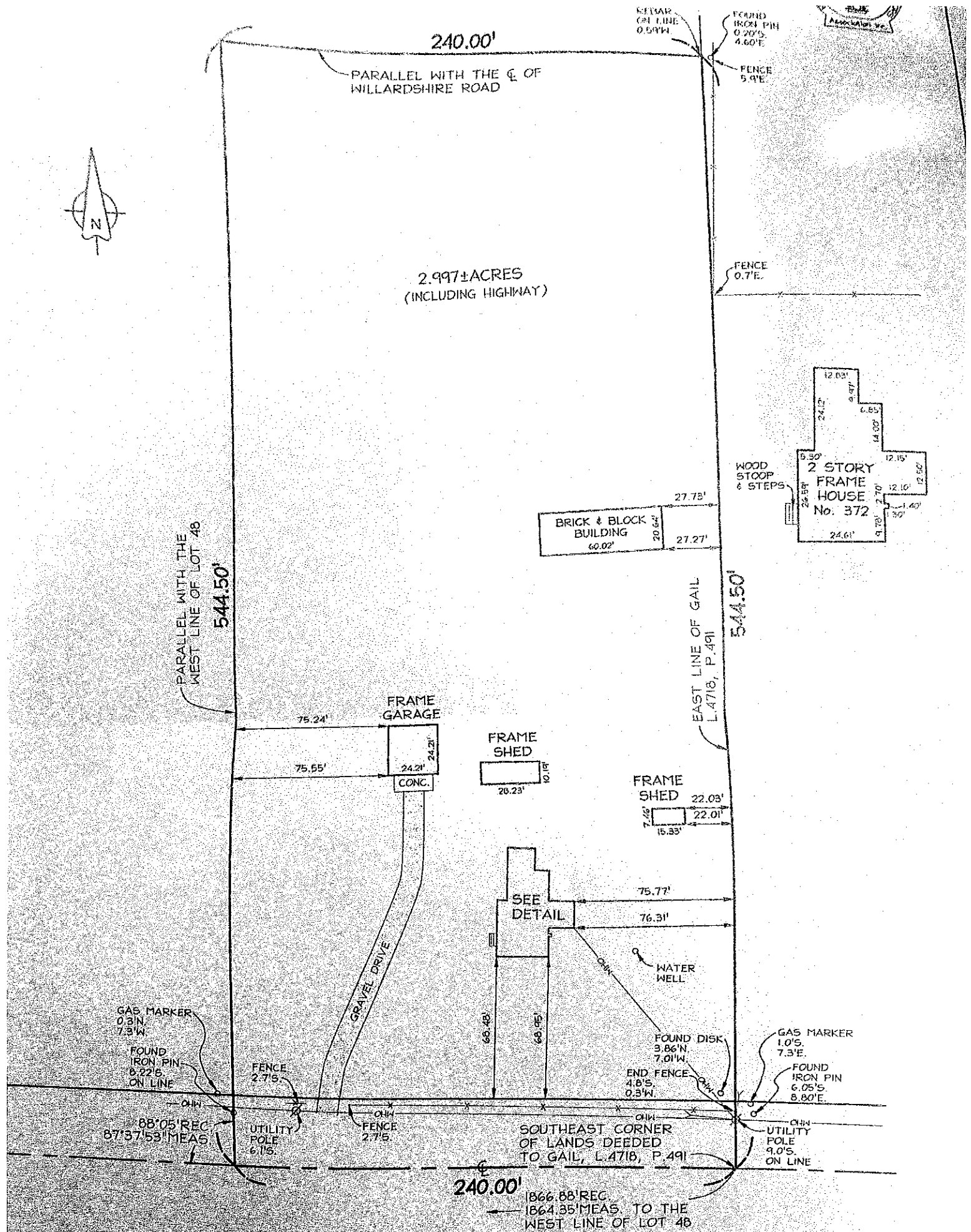
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

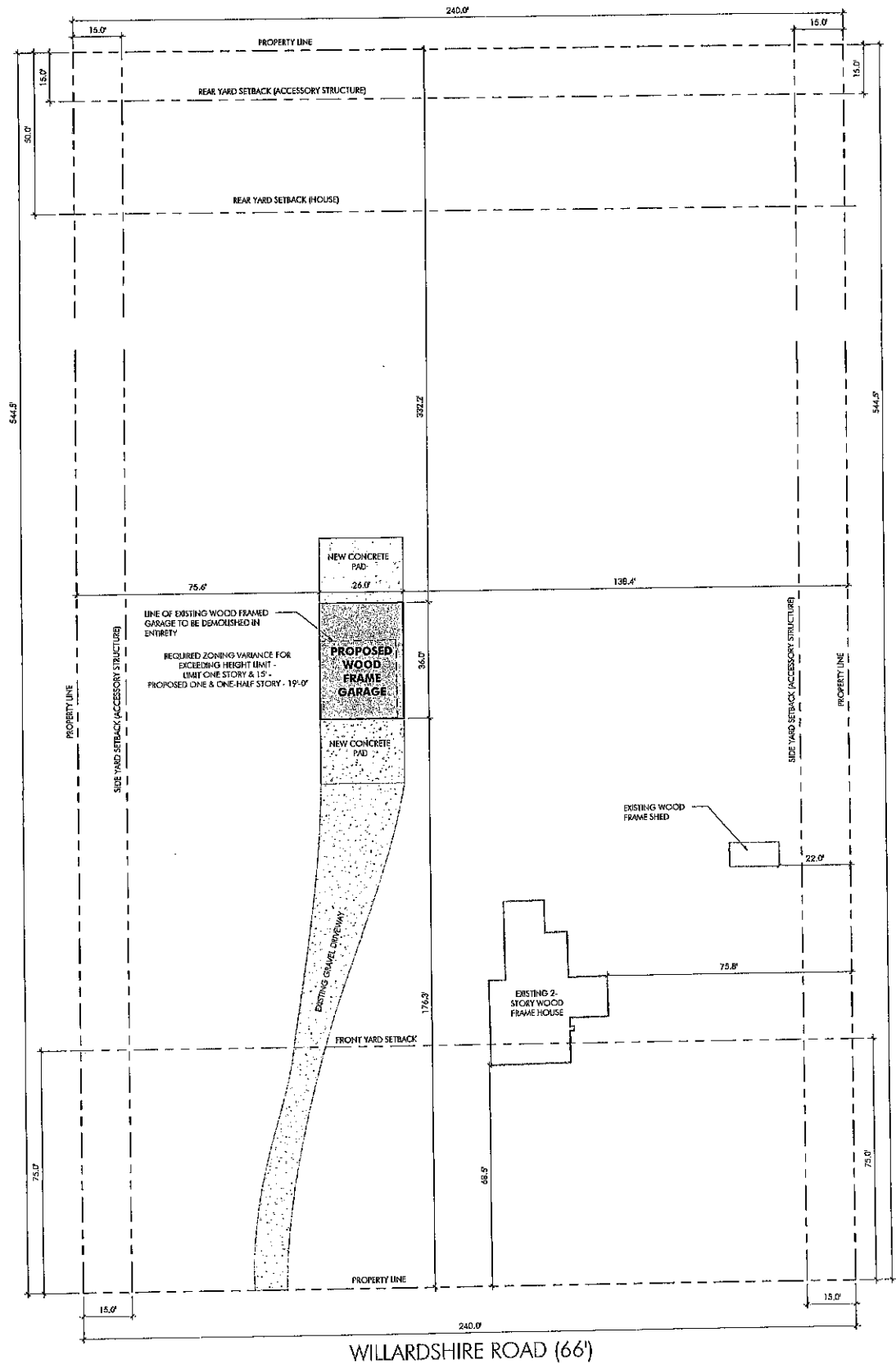
Part 1 – Project and Sponsor Information							
Name of Action or Project: 372 Willardshire Road - Auxiliary Structure							
Project Location (describe, and attach a location map): 372 Willardshire Road, East Aurora, NY 14052							
Brief Description of Proposed Action: The construction of a one and a half story two car garage serving a single-family dwelling							
Name of Applicant or Sponsor: Michael Anderson - Abstract Architecture PC		Teleph E-Mail					
Address: 313 Broadway							
City/PO: Buffalo		State: NY	Zip Code: 14204				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☒</td> <td style="text-align: center; padding: 5px;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Aurora - Building Department			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☐</td> <td style="text-align: center; padding: 5px;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3. a. Total acreage of the site of the proposed action? 3 acres b. Total acreage to be physically disturbed? .02 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3 acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: The new garage will meet or exceed all NYS energy code requirements.	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

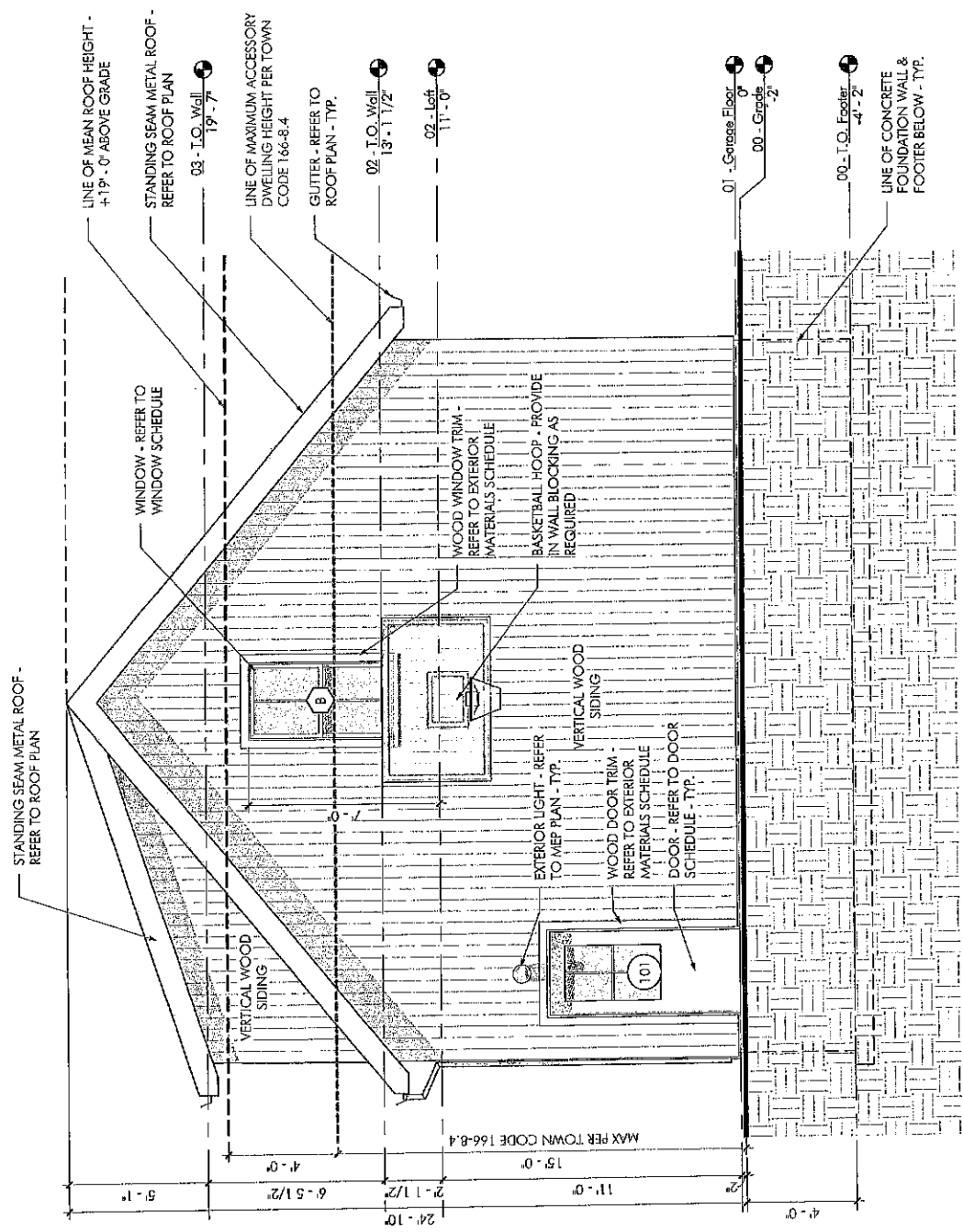
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
Discharge will not leave the property		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Michael Anderson - Abstract Architecture PC</u> Date: <u>9.2.2025</u>		
Signature: <u>Michael Anderson</u> Title: <u>Owner/Architect</u>		



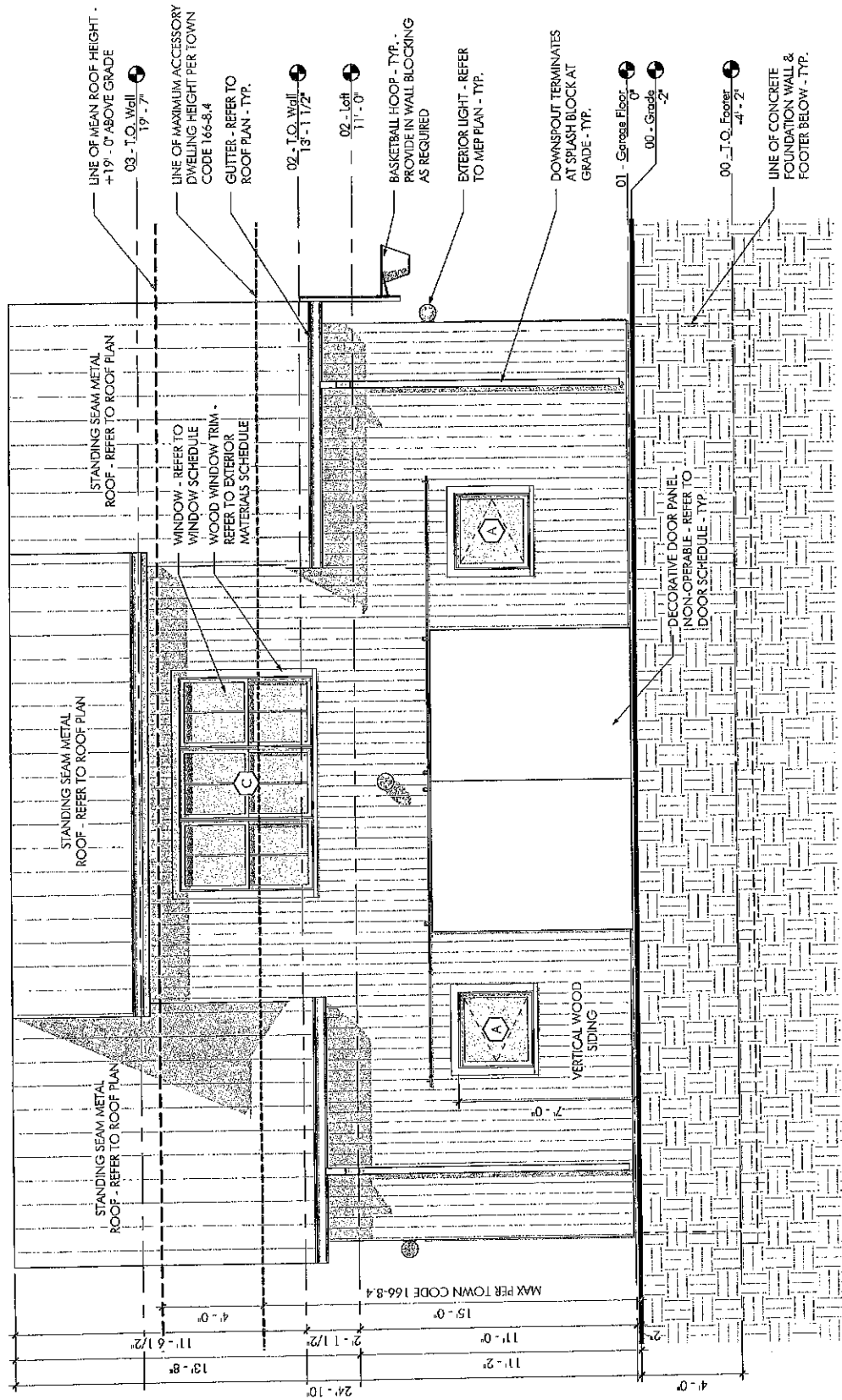
WILLARDSHIRE ROAD (66' WIDE)



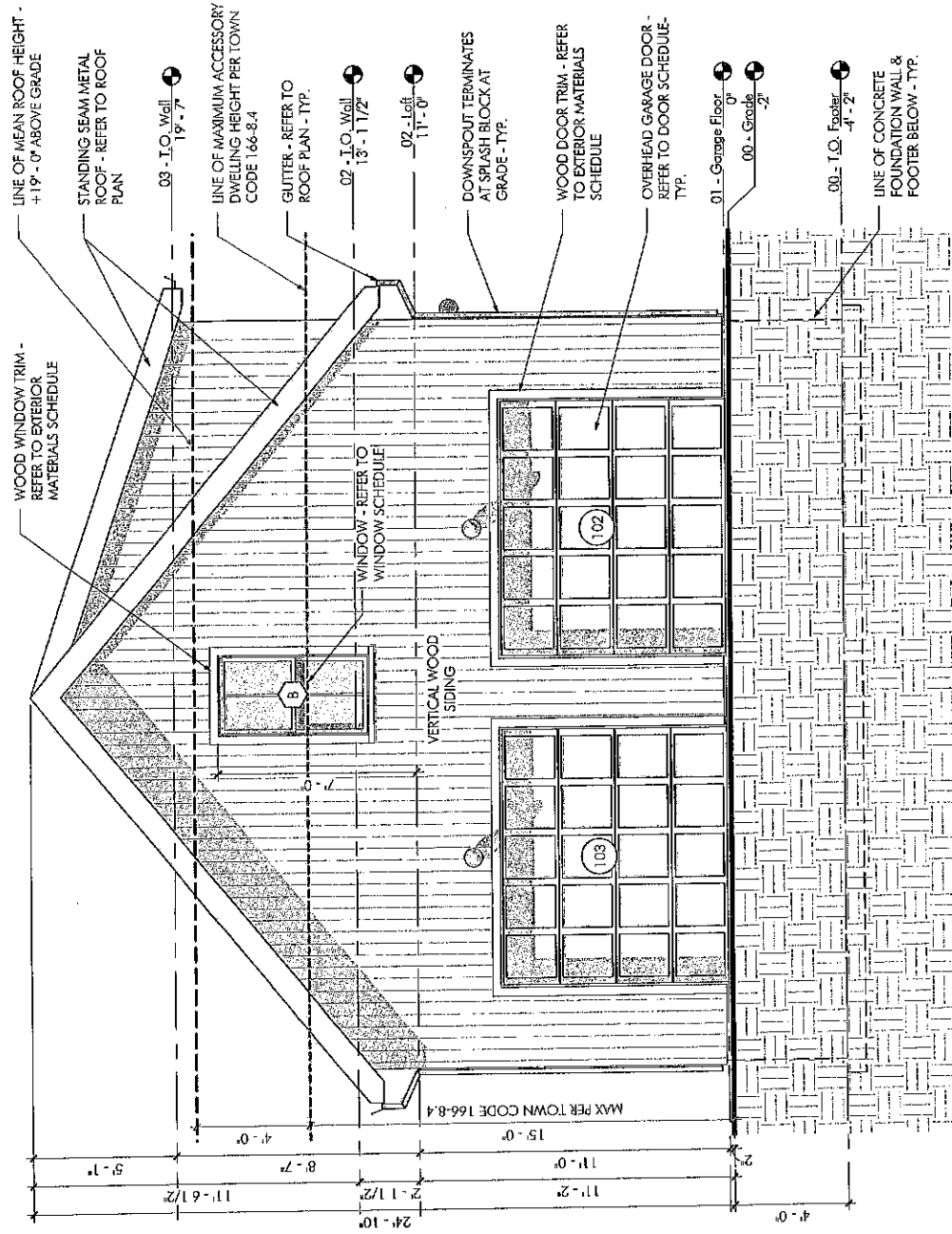
Proposed Site Plan
Scale: 1" = 30'
9.2.2025



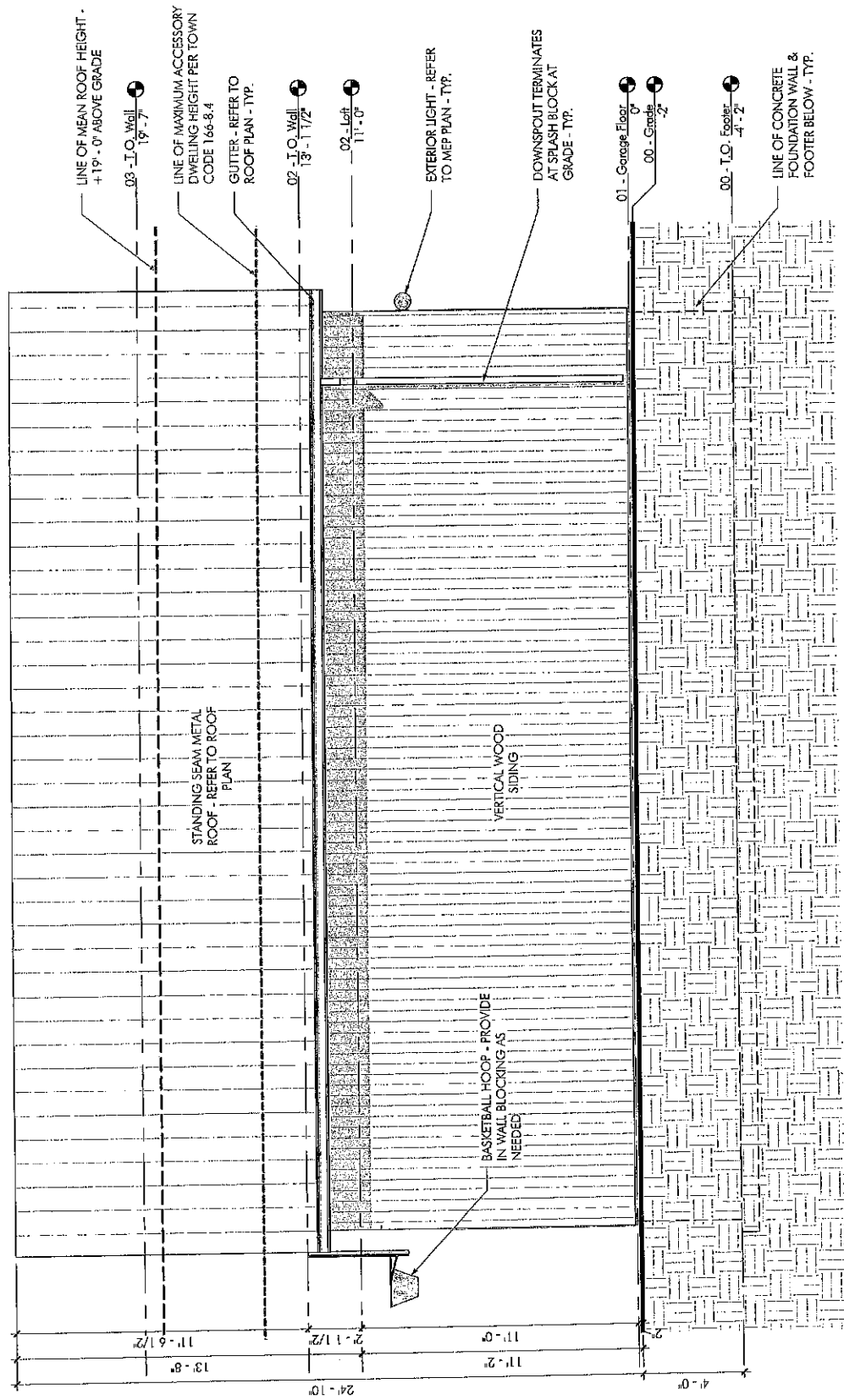
North Elevation
 Scale: 1/4" = 1'
 9.2.2025



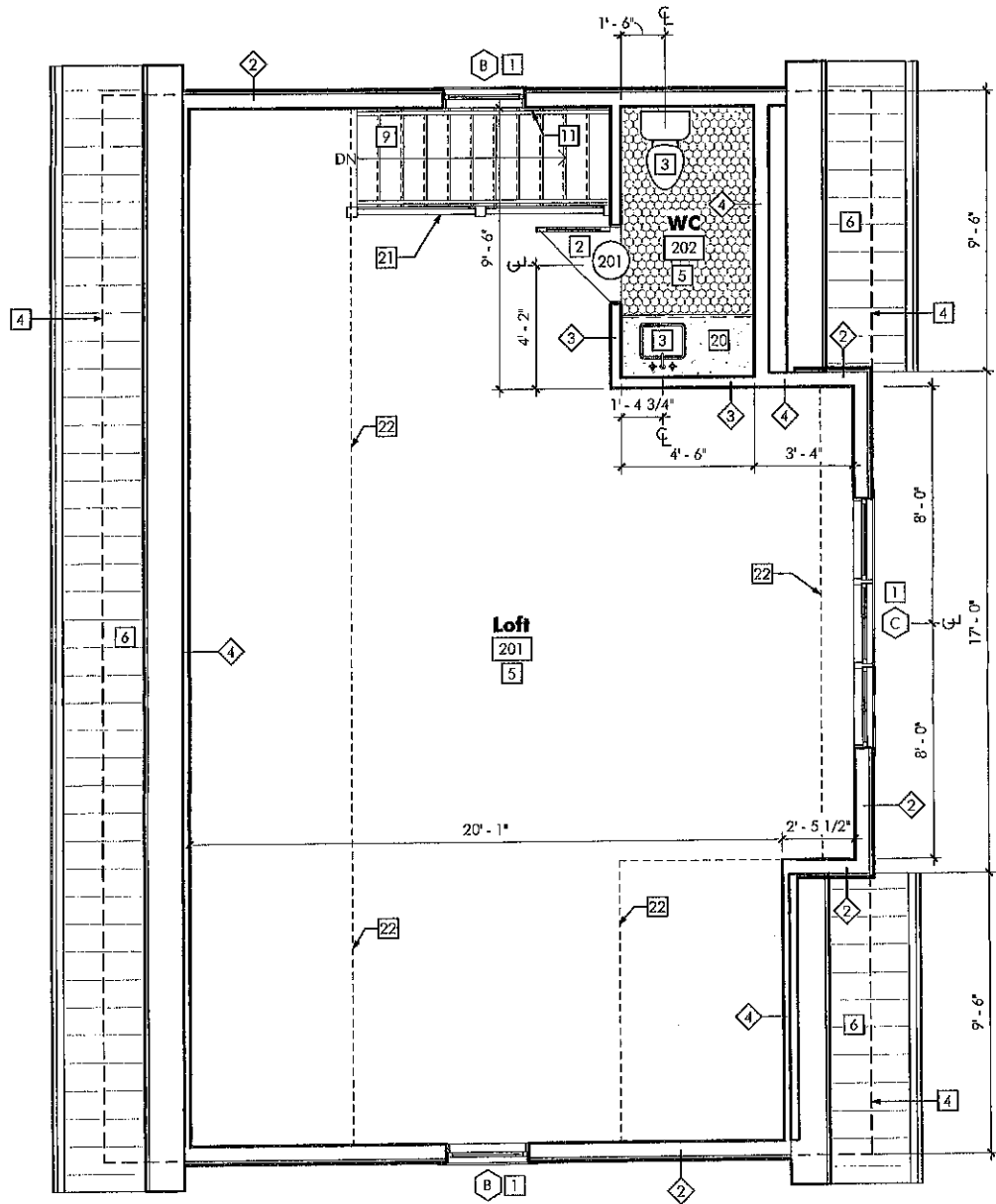
East Elevation
Scale: 1/4" = 1'
9.2.2025



South Elevation
 Scale: 1/4" = 1'
 9.2.2025



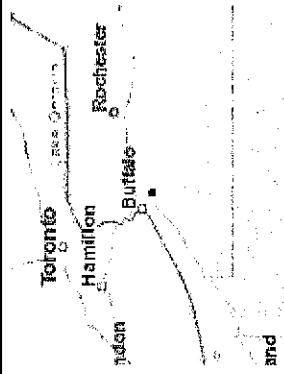
West Elevation
 Scale: 1/4" = 1'
 9.2.2025



Loft Plan
Scale: 1/4" = 1'
9.2.2025



Erie County On-Line Mapping Application



Legend

Parcels



0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514

